

# Jacksonville Area Legal Aid, Inc.

*A Wealth of Justice for Those Who Have Neither*

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May 7, 2018

The Honorable Michael Conaway  
Chairman  
Committee on Agriculture  
United States House of Representatives  
Washington DC 20515

The Honorable Collin C. Peterson  
Ranking Member  
Committee on Agriculture  
United States House of Representatives  
Washington DC 20515

*Via electronic mail*

RE: House Agriculture and Nutrition Act of 2018 (H.R. 2) – Child Support  
Cooperation as Federal Mandate

Dear Chairman Conaway and Ranking Member Peterson:

On behalf of Jacksonville Area Legal Aid (JALA) and the low income Floridians we serve, I submit this letter to urge the House Committee on Agriculture to reconsider its proposal to convert from a state option to a federal mandate the requirement that custodial and non-custodial parents cooperate with child support in order to establish eligibility for Supplemental Nutrition Assistance Program (SNAP) benefits. Florida is one of six states in the country that has elected the child support cooperation requirement in SNAP. As set forth below, Florida's decision to adopt the option creates undue burden on single parent households already under a tremendous amount of stress and in need of access to the most basic of life's necessities, food.

I manage a medical legal partnership with pediatric providers located in the Jacksonville, Florida community, including Wolfson Children's Hospital and Nemours Children's Specialty Care. I work daily with social workers, nurses, and physicians to identify and address civil legal

aid needs of low income patients in order to produce better health outcomes. SNAP advocacy plays an important role in my job; it is a short line from food security to better health outcomes.<sup>1</sup> In that advocacy, the healthcare providers and I find that Florida's child support cooperation requirements in SNAP eligibility pose significant barriers to connecting children and families to adequate and healthy food.

Florida's child support cooperation requirements in SNAP make applications for benefits intimidating or impractical for custodial households. One social worker gave an example of a mother of three who decided to not apply for SNAP benefits because the paternal grandmother provided them a place to live. The mother knew that, if she initiated child support enforcement proceedings against the father, she and her children would be kicked out of the only affordable housing they could access. The mother had to choose between adequate nutrition or a safe place to live.

For other parents, the danger moves beyond potential homelessness. Florida's good cause exemptions to the SNAP child support cooperation requirements are drawn narrowly.<sup>2</sup> For

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<sup>1</sup> Increasing Nutritional Supports for Newborns, Kate Marple & Erin Dexter, <http://medical-legalpartnership.org/wp-content/uploads/2018/04/Increasing-Nutritional-Supports-for-Newborns.pdf>.

<sup>2</sup> 1410.1708 Reasons for Good Cause (FS), Department of Children & Families (DCF) Economic Self-Sufficiency Manual

Accept the good cause determination by Child Support Enforcement. Good cause may exist when cooperation in establishing paternity or securing child support could result in one of the following conditions:

1. physical harm to the child - examples are broken bones, bruises, burns, lacerations, etc.;
2. emotional harm to the child - examples are poor school performance, sleep disturbances, self-destructive behavior, eating disorders, etc.;
3. physical harm to the parent or caretaker relative, which reduces the individual's capacity to care for the child adequately (such as life threatening injury); or
4. emotional harm to the parent or caretaker relative to such a degree that the individual's capacity to adequately care for the child is diminished (such as any psychological disorder or dysfunction which has a serious impact on the individual's abilities as caretaker).

Good cause may also exist under the following circumstances:

1. the child was conceived as a result of incest or forcible rape,
2. legal proceedings for the adoption of the child are pending before a court, or

parents who know, but cannot correctly articulate, the potential impact of engaging the noncustodial parent in child support enforcement proceedings, they will instead forgo the SNAP application altogether. One Licensed Clinical Social Worker who works primarily with children diagnosed with Cystic Fibrosis remarked:

“The requirement to mandate SNAP/food stamp applicants to cooperate with child support in order to receive those benefits is a strong disincentive for some parents to apply for benefits and thus negatively affects a child’s nutritional status. This is of concern especially in the cystic fibrosis community, where nutritional status is positively correlated with lung function and in turn mortality. Some mothers I have known were quite reluctant to pursue child support enforcement out of fear of their former spouses/partners and this is a tough obstacle to overcome.”

Outside of the chilling effect SNAP child support cooperation requirements have on applicants, the administrative error in enforcing the requirements also abound. As noted above, the good cause exemptions are narrowly drawn and subjective in their application. Applicants can also be screened out unfairly. A former DCF case processor, now benefits navigator, stated that it was common practice for an interviewer to ask whether an applicant intended to cooperate with child support enforcement. If the applicant said “no,” the interview would not give further explanation and the interview response would be sent to the case processor who denied the application outright. This eliminates the applicant’s opportunity to understand they may qualify for a good cause exemption and to provide the required information to establish an exemption.

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3. the parent or caretaker relative is being assisted by a public or licensed private social agency to determine whether or not to relinquish the child for adoption (this circumstance is valid for three months).

Particularly problematic with this process is that it does not allow for an application to be processed solely for the children in the household which, of course, violates federal law. *See* 7 C.F.R. 273.11(o)(3).

Administrative error is not limited to DCF, but also occurs on the child support side and is exacerbated by inadequate connectivity between DCF and child support enforcement. The Department of Revenue (DOR), the child support enforcement agency for Florida, is underfunded and overwhelmed with support responsibilities. One client of mine applied three times for SNAP benefits. Each time DCF asked her whether she would cooperate with child support enforcement to which she would respond, “yes.” DCF then told her DOR would contact her within a couple of weeks to begin the enforcement process. She would receive benefits and await DOR’s contact but they would never call. Eventually, DCF would sanction her for non-cooperation because she did not appear in DOR’s child support enforcement system.

A common thread that appears throughout the above cases is that DCF’s determination results in a sanction not only to the household member who was unable to cooperate, but to the entire household. Although, under 7 C.F.R. 273.11(o)-(p), this should not be a consequence of the child support cooperation requirement, these rules are complex and DCF case workers often apply them incorrectly. Applicants can seek legal assistance hoping that a regional legal services office accepts public benefits cases (and there are a limited number that do) or they can try to fight the decision alone – neither occurs often. The result is that children lose access to nutritional support. This runs counter to SNAP’s purpose “to promote the general welfare, to safeguard the health and well-being of the Nation’s population by raising levels of nutrition among low-income households.” 7 U.S.C. §2011.

Please know that Florida's decision to elect the SNAP child support cooperation requirements does not result in increased child support to vulnerable low income families. It instead deters otherwise eligible parents and children from accessing critical food assistance. I urge you to not allow this policy to take hold around the country. SNAP is a vital program that helps 1 in 8 Americans afford an adequate diet. It reduces food insecurity and keeps millions out of poverty. Children who participate in SNAP have improved health and educational outcomes over the course of their lives. I appreciate your consideration of this letter. If you have further questions, please feel free to contact me by telephone at: 904-356-8371, x. 333 or by email at: [katy.debriere@jaxlegalaid.org](mailto:katy.debriere@jaxlegalaid.org).

Respectfully submitted,



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Cc: U.S. Senator Debbie Stabenow  
U.S. Senator Pat Roberts